

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**August 2, 2001**

## DIVISION ONE

B141040 People (Certified for Publication)

v.  
Elam

The judgment is reversed.

Spencer, P.J.

I concur:        Mallano, J.

I dissent: Vogel (Miriam A.), J. (Opinion)

DIVISION TWO

B145868 People (Not for Publication)

v.  
Rowe

The judgment is affirmed.

Todd, J.

We concur:   Boren, P.J.

Nott, J.

B137615      Giovanazzi      (Not for Publication)

V.  
Wishnow, Ross, Warsawsky & Co.

The judgment is affirmed.

Todd, J.

We concur: Boren, P.J.

Cooper, J.

DIVISION THREE

B138555 Tucker (Not for Publication)  
v.  
Kenefick

The judgment is affirmed. Tucker is to pay all costs on appeal.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

B142453 People (Not for Publication)  
v.  
Mendoza

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

B140691      People                                  (Not for Publication)  
v.  
**Williams**

The judgment is modified to strike one of the prior prison term enhancements and, as so modified, affirmed. The clerk of the Superior Court is directed to prepare and forward to the Department of Corrections an amended abstract of judgment which reflects a total term of 62 years to life in state prison.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

The order granting the JNOV motion is reversed. The matter is remanded to the trial court with directions to reinstate the jury verdict relating to the legal malpractice claim; to issue a new judgment in favor of appellants, the Horriganes, reflecting that portion of the verdict; and for whatever further proceedings are appropriate based on resolution of this appeal. Costs are awarded to the Horriganes.

We concur: Vogel (C.S.), P.J.  
Curry, J.

Let a peremptory writ of mandate issue, ordering the respondent court to vacate its order entered on December 29, 2000, insofar as that ruling required production of those documents referred to as Items C, R, and V, and to which there is a valid claim of privilege. Our temporary stay order filed on May 3, 2001, shall remain in effect until this opinion is final. Petitioners MTA and STI are awarded their costs.

We concur: Vogel (C.S.), P.J.  
Curry, J.

DIVISION FOUR (Continued)

B143060      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Diana S.

The orders regarding the permanent plan and extension of the restraining order are reversed; the order denying counsel's request to be relieved is vacated. The matter is remanded for further hearings on the matters which were before the court on May 26, 2000.

Hastings, J.

We concur:   Epstein, Acting P.J.  
Curry, J.

B139900      People      (Not for Publication)  
v.  
Miller

The judgment is affirmed.

Epstein, J.

We concur:   Vogel (C.S.), P.J.  
Curry, J.

DIVISION SIX

B144391      Kain et al.      (Certified for Publication)  
v.  
California Dept of Health Services

The judgment is affirmed. Costs to respondent.

Coffee, J.

We concur:   Yegan, Acting P.J.  
Perren, J.

DIVISION SIX (Continued)

B144643     Townsend  
              v.  
              EMC Mortgage Co., etc.

Filed order denying petition for rehearing.

DIVISION SEVEN

Court convened at 9:00 A.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Boland, J. (Assigned) and Emma Jean Amos,  
Deputy Clerk.

Each of the following:

B136925 People v. Penesa  
B141500 People v. Johnson  
B141729 People v. Aguilar  
B142878 People v. Miller  
B143633 People v. Franco  
B144614 People v. Acinelli, Jr.  
B144708 People v. Jason F.  
B144798 People v. Willis  
B145069 People v. Perrier  
B145089 People v. Gutierrez  
B145617 People v. Keydra C.  
B150162 Bobby W. v. S.C.L.A.  
B143379 Morohoshi v. Pacific Home  
B145121 People v. Enriquez

Argument waived, cause submitted.

B140643     People  
              v.  
              International Fidelity Insurance Company

Merits:  
Argued by E. Alan Nunez for appellant. No appearance for respondent.  
Cause submitted.

DIVISION SEVEN (Continued)

B144158     People  
              v.  
              Salazar

Merits:

Argued by Susan E. Nash for appellant and by Laura Bak-Boychuk, deputy attorney general, for respondent. Cause submitted.

B146882     People  
              v.  
              Polk

Merits:

Argued by Marta A. Stanton for appellant and by Hye Y. Yang, deputy attorney general, for respondent. Cause submitted.

B140667     Breheney et al.  
              v.  
              Arosemena

Merits:

Argued by Susan A. Mitchell for appellants and by Mark Connely for respondent. Cause submitted.

B139959     May  
              v.  
              Onyejekwe et al.

Merits:

Argued by Ronald Irving May, appellant in propria persona and by Chukwudum N. Emenike for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B143934     Allen  
              v.  
              McLemore

Merits:  
Argued by Dennis McMullen for appellant and by Kathryn Albarian for respondent. Cause submitted.

B146197     Los Angeles County, D.C.F.S.  
              v.  
              Latonya B.  
              In re Victoria F.

Merits:  
Argued by Andre F. Toscano for appellant and by Jerry M. Custis, deputy county counsel, for respondent. Cause submitted.

B145787     Michelson  
              v.  
              Sentchuk

Merits:  
Argued by Evan D. Marshall for appellant and by Douglas Caiafa for respondent. Cause submitted.

B143544     Leffe  
              v.  
              Lustig

Merits:  
Argued by Sherwin C. Edelberg for appellant and appearance only by Todd Macaluso for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B142396     Fraizer  
                 v.  
                 Velkura

Merits:  
Argued by Edwin Warren for appellant and by Michael Killackey for respondent. Cause submitted.

B145171     McMahon  
                 v.  
                 El Camino Community College District

Merits:  
Argued by Brian J. McMahon appellant in propria person and appearance only by Dennis Walsh for respondent. Cause submitted.

B143092     Deschamps  
                 v.  
                 Hermosa Outpatient Surgery Center, Inc., et al.

Merits:  
In open court, oral argument continued to September 7, 2001 at 10:00 A.M.

B141273     People  
                 v.  
                 Hernandez

Oral argument continued to September 6, 2001 at 9:00 A.M.

Court recessed at 11:30 A.M.

Court reconvened at 2:00 P.M.

Present: Lillie, P.J., Johnson, J., Woods, J., Boland, J. (Assigned) and Emma Jean Amos, Deputy Clerk.



DIVISION SEVEN (Continued)

B138386     Pyfrom  
              v.  
              Anderson et al.  
              St. Paul Fire & Marine Insurance Company

Merits:

Argued by Joseph K. Hegedus and Bruce H. Dunn for respondents. No appearance by counsel for appellant. Cause submitted.

B144745     Miller  
              v.  
              Los Angeles Department of Transportation

Appearances:

Renee J. Laurents, deputy city attorney, for respondent waives argument. No appearance by appellant. Argument waived, cause submitted.

B145181     Farraj et al.  
              v.  
              Circle K Stores, Inc., et al.

Merits:

Argued by Robert Jarch for appellants and by John L. Viola for respondents. Cause submitted.

B147761     GLH Pacific Garden, LLC  
              v.  
              Rent Control Board of The City of Santa Monica

Merits:

Argued by Joel M. Levy for appellant and by Robert W. Hodges for respondent. Cause submitted.

DIVISION SEVEN (Continued)

B141126 Mountain View Estate Homeowners Association

v.

County of Los Angeles

Mesivata of Greater Los Angeles

Merits:

Argued by Corrin L. Kahn for appellant, by Peter Gutierrez, deputy county counsel, for respondent and by Bernard Lasage for real party in interest.

Cause submitted.

B138072 Seaspan, Inc.

v.

Biggs

Merits:

Argued by Robert M. Dickson for appellant and by Anthony Joseph Caputo for respondent. Cause submitted.

Court adjourned at 2:33 P.M.